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July 20, 2012

By Electronic Filing

Ms. Marlene H. Dortch Secretary Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Re: Ex Parte Presentation of Gogo LLC in IB Docket No. 05-20, Service Rules and Procedures to Govern the Use of Aeronautical Mobile-Satellite Earth Stations in Frequency Bands Allocated to the Fixed-Satellite Service

Dear Ms. Dortch:

On July 18, 2012, Gogo LLC ("Gogo") discussed matters relating to the above-referenced rulemaking proceeding (the "AMSS Proceeding") with the staff of the International Bureau. Gogo personnel in attendance were Bhavini Desai, Bill Gordon, Tim Joyce, Yong Liu, and Grant Saroka, along with Frank Blanda of AeroSat, Sidney Skjei and Ken Ryan of Skjei Telecom, and Karis Hastings, outside counsel for Gogo. The International Bureau staff members present during this discussion were: Paul Blais, Stephen Duall, Howard Griboff, Andrea Kelly, and Byung K. Yi. This letter summarizes the discussion and provides additional information regarding Gogo's experience and views with respect to accommodating law enforcement interests in the context of the provision of in-flight communications services.

In its remarks, Gogo explained that it is aware of the 2005 comments by the U.S. Department of Justice, including the Federal Bureau of Investigation, and the U.S. Department of Homeland Security suggesting that the Commission specify a mandatory list of capabilities that would apply to any entity granted a license pursuant to the rules adopted in the AMSS Proceeding. However, Gogo indicated that it did not believe that adoption of the set of requirements proposed in the Department Comments was necessary. Gogo also expressed concern that imposing such requirements could have significant adverse consequences on AMSS operators.

Gogo was a pioneer in providing in-flight connectivity and entertainment services on commercial and business aircraft. Gogo's existing in-flight service uses the company's dedicated air-to-ground ("ATG") network under a license issued by the FCC following a spectrum auction in

¹ See Comments of the Department of Justice, including the Federal Bureau of Investigation, and the Department of Homeland Security, IB Docket No. 05-20, at 4-9 (filed July 5, 2005) (the "Department Comments").

2006.² Delta Air Lines, American Airlines, Virgin America, Alaska Airlines, US Airways, Frontier Airlines and Air Tran Airways all offer in-flight communications capability using the Gogo ATG network. More than 5 million users have taken advantage of the Gogo service, which is available today throughout CONUS and in parts of Alaska.

In designing its existing network, Gogo worked closely with law enforcement to incorporate functionalities and protections that would serve public safety and national security interests. Gogo's network is fully compliant with the Communications Assistance for Law Enforcement Act ("CALEA"). The Commission's ATG rules do not require licensees to implement capabilities to support law enforcement beyond those outlined in CALEA.³ Nevertheless, Gogo worked with federal agencies to reach agreement regarding a set of additional capabilities to accommodate law enforcement interests. Gogo then implemented those functionalities into its system design.

Gogo believes that its experience demonstrates that a flexible approach based on direct negotiation can best ensure that AMSS operators deploy capabilities designed to protect public safety and national security, and that adoption of a specific list of capabilities in the AMSS Proceeding is unwarranted. The discussions between Gogo and law enforcement personnel resulted in identification of functionalities that met the priorities of law enforcement within the technical capabilities of the Gogo network and without imposing unreasonable costs. Furthermore, the current agreement between Gogo and law enforcement can be revisited and updated as appropriate to reflect advances in technology or changes in law enforcement needs. Gogo understands that other providers of in-flight communications have reached similar agreements.

Thus, in the absence of any Commission-imposed requirement, Gogo and other providers have reached voluntary agreements with representatives of law enforcement agencies regarding capabilities to promote public safety and national security. Of course, to the extent that any future AMSS applicant refuses to accommodate law enforcement concerns, the law enforcement agencies could raise objections in the context of applicable licensing proceedings before the Commission.

In contrast, adoption of a specific list of capabilities would ignore network-specific design characteristics, potentially imposing significant costs on in-flight communications providers. It could also lead to perverse consequences.

For example, Gogo's operational ATG network complies with the terms of the existing agreement Gogo has with law enforcement. As Gogo expands its service to include an AMSS component, Gogo will be relying on the same in-cabin network to interface with users, and the users will not know whether their connection relies on the ATG or AMSS link between the aircraft and the ground infrastructure. As discussed above, Gogo's ATG-based service is not subject to law enforcement-related requirements other than those set forth in CALEA and instead operates in compliance with the agreement Gogo has reached with law enforcement. If the Commission chose to adopt a required list of capabilities in the AMSS area, Gogo's unified

³ The rules for air-ground radiotelephone service are found in 47 C.F.R., Part 22, Subpart G.

² Call Sign WQFX728, granted Oct. 31, 2006.

in-flight network would be subject to differing – and possibly conflicting – requirements to satisfy law enforcement interests. For example, in order to meet a requirement imposed for AMSS, Gogo might need to undertake changes in its network design that would compromise Gogo's continued ability to comply with Gogo's obligations under its agreement with law enforcement with respect to the Gogo ATG operation. Such a situation in which the rules differ for ATG and AMSS could also harm competition in the market for in-flight services by imposing significant new compliance costs on AMSS operations that would not apply to services provided using a terrestrial network.

In short, Gogo believes that the existing practice of using direct negotiation to develop law enforcement capabilities for in-flight communications networks addresses the policy concerns raised in the Department Comments. In Gogo's view, adoption of a specific required list of capabilities is unjustified and could have material adverse consequences.

Please address any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/ Karis A. Hastings

Karis A. Hastings

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cc: Paul Blais Stephen Duall Howard Griboff Andrea Kelly Byung K. Yi